

### **REMARKS**

Claims 1-26 are pending. By this response, claims 1, 2, 3, 9, 10 and 11 are amended and claim 17-26 added. Claim 6-8 and 14-16 have been allowed. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

#### **Allowable Claims**

Claims 6-8 and 14-16 have been allowed. Claims 2-3 and 10-11 have been deemed to contain allowable subject matter and would be allowable if amended into independent form. By this response, claims 2, 3, 10 and 11 have been amended into independent form by inclusion of the features of their respective independent claims. Accordingly, claims 2, 3, 10 and 11 are now in condition for allowance.

#### **Specification**

The Office Action objects to the specification for minor informalities found on page 6 and page 9. In response, Applicants have amended the specification on pages 5, 6, 7 and 9 as suggested in the Office Action. Accordingly, withdrawal of the rejection is respectfully requested.

#### **Claim Objections**

The Office Action objects to claims 1-3 and 9 due to informalities. These informalities have been addressed by the amendments to the claims. Accordingly, withdrawal of the objection is respectfully requested.

#### **Prior Art Rejection**

The Office Action rejects claims 1, 4-5, 9 and 12-13 under 35 U.S.C. §103(a) as being unpatentable over Fossum et al. (US 6,137,100) in view of

Murakami (JP 06-178198) and Inai et al. (US 4,437,111). This rejection is respectfully traversed.

Independent claims 1 and 9 as amended refer to a controller which individually “controls a gain amount of the high-sensitivity image signal including plural color components and a gain amount of a low-sensitivity image signal including the plural color components in response to the stop amount of the diaphragm.” Applicants respectfully submit that the combination of Fossum, Murakami and Inai fail to teach the above features of independent claims 1 and 9.

For reasons of brevity, Applicants respectfully incorporate the remarks in the Response dated June 19, 2006 with respect to the Fossum and Murakami references, while also providing the following arguments.

In the embodiments of the present invention as defined by independent claims 1 and 9, the gain amount of the low-sensitivity pixels and high-sensitivity pixels is controlled for a plurality of color components (e.g. red, green and blue). See for example, FIG. 2 of Applicants disclosure and its description thereof. In contrast, Fossum which is relied on to teach the above-noted feature of independent claims 1 and 9, teaches that the minimum repeatable element of the color filter pattern is referred as a macro-pixel (Col. 2, lines 29-30) and that FIG. 1B shows the macro-pixel arrangement (Col. 5, line 37). In other words, Fossum merely discloses repeating the arrangement of the macro-pixel pattern in FIG. 1B.

Also, Fossum discloses a low-sensitivity pixel 110 for blue and a high-sensitivity pixels 112 and 114 for green. However, Fossum fails to disclose a high-sensitivity pixel for blue or a low-sensitivity pixel for green. Thus, the

high-sensitivity image signal in Fossum only includes a green component (single color) and a low-sensitivity image signal only includes a blue component (single color). Thus, Fossum does not teach or suggest including plural color components as recited in Applicants independent claims 1 and 9.

Further, Murakami and Inai fail to remedy the deficiencies of Fossum. Thus, the combination of Fossum, Murakami and Inai fail to teach each and every feature of independent claims 1 and 9 as required. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Also, regarding newly added independent claims 19 and 24. Each of these claims recite, *inter alia*, "the plurality of pixels include (i) the main pixel for a first color and (ii) the sub-pixel for the first color." Applicants respectfully submit that Fossum, Murakami and Inai fail to teach providing both of the low-sensitivity pixel and the high-sensitivity pixel for a specific color and thus fail to teach the above-noted claim feature. Therefore, Applicants respectfully submit that independent claims 19 and 24 are also distinguishable over the combination of references.

### Conclusion

For at least the above reasons it respectfully submitted that claims 1-26 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 6, 2007

Respectfully submitted,

By  6/8/07

D. Richard Anderson

Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant